

REMARKS

In the final Office Action mailed November 24, 2009 from the United States Patent and Trademark Office, claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, claims 1-4, 9-17, and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,982,804 to Frolik et al. (hereinafter "Frolik"), in view of U.S. Patent No. 6,603,565 to Scheidig et al. (hereinafter "Scheidig"), claims 5, 6 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frolik, and Scheidig in view of U.S. Patent No. 6,111,654 to Cartier et al. (hereinafter "Cartier"), claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frolik and Scheidig and further in view of U.S. Patent No. 5,999,707 to Taniguchi et al. (hereinafter "Taniguchi"), and claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frolik and Scheidig in view of well-known prior art.

Applicant has amended the claim set to more distinctly define over the cited references and to address the Section 101 rejections. Support for the amendments may be found at least at page 6 lines 3-5, page 6 lines 12-14, page 10 line 21 through page 11 line 2, and page 21 lines 4-7. Applicant therefore respectfully provides the following:

Rejections under 35 U.S.C. § 112, Second Paragraph:

In the Office Action, claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. The rejected claims have been amended to clarify the rejected language. Applicant therefore respectfully requests removal of the rejections.

Rejections under 35 U.S.C. § 103(a):

Claims 1-4, 9-17, and 19-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frolik in view of Scheidig, claims 5, 6 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frolik, and Scheidig in view of Cartier, claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frolik and Scheidig and further in view of Taniguchi, and claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frolik and Scheidig in view of well-known prior art. M.P.E.P. § 2141 sets forth the *Graham* factual enquiries that should be considered when making an obviousness rejection under Section 103: 1) ascertaining the scope and content of the prior art; 2) ascertaining the differences between the claimed invention and the prior art; and 3) resolving the level of ordinary skill in the pertinent art. (Citing *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966).) In addition, M.P.E.P. §§ 2141 and 2142 set forth that “the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit.” (Citing *KSR International Co. v. Teleflex Inc. (KSR)*, 550 U.S. ___, 82 USPQ2d 1385 (2007).)

For a rejection under Section 103 to stand, it must explicitly set forth 1) factual findings showing that each claim element was known in the art at the time of the invention, and 2) factual findings showing that one of ordinary skill in the art, at the time of the invention, would have found it obvious to modify or combine the teachings to arrive at the claimed invention. (See, for example, the enumerated required articulations set forth in M.P.E.P. § 2143 for each lettered rationale.) Applicant respectfully submits that the references in the Office Action, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein, and that one of skill in the art would not be motivated to modify or combine the art to arrive at the claimed invention.

Independent claim 1 requires: “identifying at the printing device which of the default device setting sets are to be used in executing a particular print job based on a characteristic selected from the group consisting of: (i) a job name; (ii) a user name; (iii) an account code; and (iv) a department code; and executing the print job at the printing device using the identified default device setting set without further pre-printing-device preparation of print data of the print job regardless of the default print setting set selected.” Such limitations are not taught by the combination of Frolik and Scheidig, and similar limitations are present in the other independent claims. With respect to independent claims 11 and 14, these claims recite similar characteristics, omitting “a job name.”

In the Office Action, language relating to the identification of a default device setting set was rejected based on Frolik, citing column 8 lines 15-33. (See Office Action, page 5, last paragraph and page 2, second portion of response to arguments.) Specifically, the Office Action indicates that Frolic teaches identifying which setting set to be used based on a job name of the print job, citing to Frolic’s teaching of giving preference to more narrowly-applicable settings such as document-specific settings. The Office Action further indicates that a print job document in Frolik is inherently identified by its file name.

Applicant respectfully traverses the rejection and submits that the whether or not a document is identified by a file name, Frolik does not teach selecting which set of settings to use based on a job name. Frolik certainly teaches a system that utilizes a hierarchical method to determine which printer settings to use (see Col. 7 line 66-Col. 8 line14). Frolik, however, never teaches using a file name or a job name to determine what settings to apply. Frolik only teaches that the application 179 selects the printer settings from multiple sets of settings, and that some settings may be document-specific. As is known in the art, a job name is assigned by the print

spooler for recognition on a print queue or is assigned by the print application. The cited passage simply does not suggest selecting print settings based on a job name, user name, account code, or department code as required by claim 1. Therefore, claim 1 is not made obvious by the cited references.

In the event these arguments with respect to claim 1 are not accepted, Applicant respectfully notes that independent claims 11 and 14 do not recite a job name as one of the characteristics. As the cited references clearly do not show any teachings with respect to the named characteristics listed in claims 11 and 14, such claims are not made obvious by the cited references.

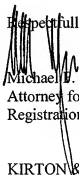
Applicant therefore respectfully requests removal of all rejections under 35 U.S.C. § 103(a).

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 23 day of April, 2010.

Respectfully submitted,


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